IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

RP.No. 1160 of 2007(S)

AGAINST THE JUDGEMENT IN OP.13441/2002 Dated 10/10/2007
OA.144/2000 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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REVIEW PETITIONERS/(RESPONDENTS IN THE ORIGINAL PETITION)
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1. UNION OF INDIA REPRESENTED BY THE
SECRETARY, MINISTRY OF DEFENCE, NEW DELHI.

2. THE FLAG OFFICER COMMANDING-IN-CHIEF,
HEADQUARTERS, SOUTHERN NAVAL COMMAND,
NAVAL BASE PO, KOCHI.

3. THE CHIEF OF THE NAVAL STAFF (P & A),
SOUTHERN NAVAL COMMAND, KOCHI-682 004.

4. THE COMMANDING OFFICER,
I.N.S. VENDURUTHI, NAVAL BASE PO, KOCHI.

BY ADV. SRI.TPM.IBRAHIM KHAN,SENIOR PANEL COUNSEL

RESPONDENTS: RESPONDENTS IN THE ORIGINAL PETITION
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1. V.P.VARGHESE, (EX-MALI) I.N.S.
VENDURUTHY, SOUTHERN NAVAL COMMAND,
NAVAL BASE PO, KOCHI-682 004, (RESIDING AT
VADASSERY HOUSE, KUZHIPPILLY, AYYAMPILLY P.O.,
ERNAKULAM DISTRICT.

2. THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH, ERNAKULAM.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

R.P. NO.1160/2007 IN

I.A.NO.12304/2007 IN

O.P. NO. 13441 OF 2002-S

Dated 7th December, 2007.

ORDER

Balakrishnan Nair, J.

The Original Petition was dismissed as abated, as no steps were taken in time to implead the legal heirs of the 1st respondent who was the original applicant before the Central Administrative Tribunal. This R.P is filed, seeking review of that judgment. In the R.P it is submitted that the delay was occasioned because of the failure of the department to intimate the counsel in time about the death of the 1st respondent, though the department was processing an application submitted by the widow. It is also submitted that if the judgment under review becomes final, it may open flood gate of similar other claims and the department will be prejudiced.

2. Since there is admitted delay from the part of the department to take steps to implead the legal heirs of the deceased 1st respondent, we find

no reason to review the judgment. But, it is clarified that as the Original Petition was dismissed on technical grounds and not on the merits of the case, the same will not stand in the way of the department resisting, if any similar claims are raised by similarly placed persons.

With this observation the R.P is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/